

2024:PHHC:087849



132 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-3859-2024 (O&M)
Decided on:-15.07.2024

Sachin Gupta

....Petitioner..

VS.

Teena Gupta

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms.Priyanka Vij, Advocate for the petitioner.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Article 227 of the Constitution of India, prayer has been made for setting aside of an order dated 20.05.2024, passed by learned Additional Sessions Judge, Gurugram, whereby, direction has been issued to the petitioner-husband to make the balance payment of Rs.6 lakhs to the respondent-wife towards reimbursement of medical bill qua their elder son.

2. Briefly stating, on account of matrimonial discord between the parties, respondent-wife filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (herein-after referred to as "2005 Act") against the petitioner-husband, besides, seeking interim maintenance in terms of Section 23 thereof. The application for grant of interim maintenance was disposed of by learned Judicial Magistrate Ist Class, Gurugram, vide its order dated 19.02.2024, directing the petitioner-husband

to pay a sum of Rs.10,000/- per month to the respondent-wife and their two children, besides, directing him to submit the tuition fees of children directly to the School.

3. Aggrieved thereof, the petitioner-husband filed an appeal before the Court of Additional Sessions Judge, Gurugram, wherein, at the time of issuance of notice and upon interim consideration, the appellate Court vide its order dated 20.05.2024, passed the following directions:-

“In the given circumstances no doubt the husband and wife i.e. appellant and respondent are at loggerhead and they have filed several cases against each other. Undoubtedly, both the parties may be at fault but court cannot assume any fault on the part of the children who are suffering for no reason at all. Children are also present in the court and elder child has shown his left hand which has long deep wound with several stitches and he has himself stated that he is unable to do anything with his left hand and he is also facing difficulty in studies due to his ailment as well as for want of funds. Thus court is of the opinion that as per the version of both the parties wherein respondent has himself stated that he has paid Rs.1.5 Lacs to appellant whereas respondent/wife has stated that she has incurred Rs.12 Lacs on medical expenses of elder child, but as per the medical prescription around Rs.7-8 Lacs is incurred upon the medical expenses of the elder child.

Hence, at this juncture the court is not convinced with just putting the date for arguments and court cannot let the elder son of party to keep suffering with miseries due to dispute between his parents. Thus, respondent is directed to make payment of balance amount of Rs. 6 Lacs to the appellant in two parts i.e. Rs. 3 Lacs within one month and remaining Rs. 3 Lacs on or before the next date of hearing and on payment the appellant is directed to hand over all the original documents to the respondent immediately so he can get those bills reimbursed as per the Law which he himself admits that Rs.7-8 Lacs have been incurred. Medi-claim card of elder child is

supplied to the appellant by respondent.”

4. Impugning the aforesaid, learned counsel for the petitioner submits that interim directions issued by the appellate authority for payment of Rs.6 lakhs in favour of respondent-wife towards medical claim of their elder son was totally uncalled for, as initially, the elder son was medically insured, however, later for want of relevant documents not been supplied by the respondent-wife to the petitioner, the insurance could not be renewed and thus, on this account, he cannot be made to suffer.

5. I have heard learned counsel for the petitioner and gone through the paper book. I am unable to find substance in the submissions made on behalf of the petitioner.

6. From the record, it can be traced out that factum of accident of the elder son of the parties to the dispute, besides, he having received serious injuries followed by his treatment by incurring expenditure of around Rs.7-8 lacs has not been disputed by the petitioner-husband. Besides it, except for production of emails dated 24.08.2023 and 26.08.2023, written to the brother of respondent-wife calling upon him to provide certain documents, no other material evidence/document has been produced on record to substantiate the plea addressed before this Court.

Moreover, a perusal of impugned order shows that the medical records of the elder son already stands supplied to the petitioner by the respondent for reimbursement purposes, as per law.

7. In such circumstances, no ground is made out for interfering with the interim order dated 20.05.2024 passed by the Court of Additional Sessions Judge, Gurugram. Resultantly, the present revision petition being

devoid of merits, is dismissed, essentially when the main appeal is pending adjudication before the appellate authority.

8. Pending application(s), if any, also stand(s) disposed of.

15.07.2024

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/ No